

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2018-

### ADOPT THE CLEANUP AND ABATEMENT ACCOUNT FUNDING PROGRAM GUIDELINES AND WAIVE CERTAIN GRANT CRITERIA ASSOCIATED WITH PROPOSITION 84 EMERGENCY DRINKING WATER PROJECTS

#### WHEREAS:

1. The State Water Pollution Cleanup and Abatement Account (CAA) is established by Water Code sections 13440-13443 and is funded by several sources;
2. The funding sources include moneys appropriated by the Legislature; collected as part of criminal penalties or civil proceedings brought pursuant to Division 7 of the Water Code; collected or recovered by the State Water Resources Control Board (State Water Board) or a Regional Water Quality Control Board (Regional Water Board) under Chapter 6.7 of Division 20 of the Health and Safety Code; and repaid by loan recipients, including principal, interest, and fees;
3. In some instances, a court judgment or settlement agreement specifies how collected funds are to be spent and those funds may be set aside in the CAA for that identified purpose, consistent with statutes governing uses of the CAA;
4. The CAA is also used to pay various administrative fees and to pay for Regional Water Board staff oversight costs incurred to manage the Site Cleanup Program (SCP);
5. After accounting for these needs and other prior encumbrances, remaining CAA funds may be utilized for the purposes allowed by the statute, including funding projects that cleanup waste and/or abate the effects of waste on waters of the State, and projects that address urgent drinking water needs;
6. Historically, the CAA has operated in accordance with an internal Administrative Procedures Manual, and certain authorities related to the CAA were established by State Water Board [Resolution No. 2013-0013](#);
7. The CAA Funding Program Guidelines (Guidelines) establish criteria for the allocation and administration of CAA funding for eligible projects;
8. The State Water Board administers Proposition 84 (Prop 84) funds for emergency drinking water projects consistent with statutory authority under Pub. Resources Code section 75021;
9. The Guidelines will be used in lieu of Prop 84 emergency grant criteria established by the California Department of Public Health ([CDPH Prop 84 Emergency Grant Criteria](#)), to administer remaining Prop 84 grant funds for emergency drinking water projects;
10. The Guidelines support the Human Right to Water, and are consistent with State Water Board [Resolution No. 2016-0010](#), by prioritizing financial assistance to disadvantaged communities to address urgent drinking water needs;

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11. On October 9, 2018, Draft Guidelines were posted on the State Water Board's website for [public review and comment](#), and the public comment period closed on November 9, 2018; and
12. State Water Board staff has considered all public comments on the Draft Guidelines and has made appropriate revisions.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the [Guidelines](#), which supersede [Resolution No. 2013-0013](#).
2. Authorizes the Deputy Director of DFA to make non-substantive changes to the Guidelines.
3. Authorizes the Deputy Director of DFA to direct Prop 84 Emergency Grant funds to eligible projects applying for funds through the CAA Program.
4. Waives the CDPH Prop 84 Emergency Grant Criteria for all projects funded after the date of this resolution.
5. Authorizes the Deputy Director of DFA to approve or deny funding requests, award grants, and execute funding agreements and amendments for routine, non-controversial projects up to \$500,000 consistent with the Guidelines.
6. Authorizes the Deputy Director of DFA to utilize funds from projects which are withdrawn or completed under budget to fund additional projects, or to utilize available funds to augment the scope of work and budget of projects previously awarded grants or loans, consistent with the Guidelines.
7. Authorizes the Deputy Director of DFA to withdraw a funding award if the applicant is non-responsive or the DFA has exhausted reasonable efforts to resolve issues that prevent the execution of a funding agreement.
8. Authorizes the Deputy Director of DFA to terminate a funding agreement where there is a violation of a material provision of the agreement by the recipient.

## CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on December 11, 2018.

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Jeanine Townsend  
Clerk to the Board